

Penny L. Koepke
pkoepke@hoalaw.biz
MAXWELL & MORGAN, P.C.
4854 E. Baseline Road, Suite 104
Mesa, Arizona 85206
Tel: (480) 833-1001

Attorneys for Plaintiff and the Classes

Mandi J. Karvis/Bar No. 021858
WICKER SMITH O'HARA MCCOY & FORD, P.A.
One N. Central Ave., Suite 860
Phoenix, AZ 85004
Telephone: (602) 648-2240
Fax: (602) 812-4986
E-mail: MKarvis@wickersmith.com

-and-

Henry R. Chalmers (*admitted pro hac vice*)
Edward P. Cadagin (*admitted pro hac vice*)
Natalie L. Cascario (*admitted pro hac vice*)

ARNALL GOLDEN GREGORY LLP
171 17th Street NW, Suite 2100
Atlanta, GA 30363
Telephone: (404) 873-8646
E-mail: henry.chalmers@agg.com
edward.cadagin@agg.com
natalie.cascario@agg.com

Attorneys for Defendant
First Advantage Background Services Corp.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Justin Downing, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

Lowe's Home Centers, LLC, a North
Carolina limited liability company, and
First Advantage Background Services
Corporation, a Florida corporation,

Defendants.

Case No. 3:22-cv-08159-SPL

**JOINT MOTION FOR EXTENSION
OF PRE-TRIAL DEADLINES (First
Request)**

1 Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 7.3, Plaintiff Justin
2 Downing (“Plaintiff”) and Defendant First Advantage Background Services Corp. (“First
3 Advantage”) (collectively, the “Parties”), hereby file this Joint Motion for an Extension of
4 Pre-Trial Deadlines, respectfully requesting that the deadlines set in the Court’s August 4,
5 2023 Scheduling Order [Dkt. 42] be extended by forty-five (45) days.

7 Good cause for this extension exists as follows:

8 1. The Parties have not previously requested any extensions. This request is not
9 sought for the purposes of delay and should not cause a delay in any ultimate trial of this
10 matter.

12 2. The Parties have diligently pursued discovery in this case.

13 3. As part of this discovery, Plaintiff has sought significant amounts of data from
14 the Arizona Department of Public Safety (“AZDPS”) and from First Advantage, beginning
15 in September 2023, in an effort to determine, among other things, the size and composition
16 of a putative class. After the parties reached an agreement for the production of class-related
17 data, First Advantage produced the requested information, pursuant to the Court’s Order
18 (dkt. 59), to Plaintiff’s expert on March 25, 2024. AZDPS produced its original data
19 production on January 12, 2024. After informal discovery relating to the original
20 production, AZDPS agreed to provide an updated production, which was not received until
21 April 10, 2024. The AZDPS’s data set is large and complex, containing over 60,000 rows
22 of data with variable inputs.

26 4. Plaintiff has retained an expert to analyze the data sets and provide an opinion
27 of the size and composition of a putative class. The delay in AZDPS’s updated production
28

also delayed Plaintiff's expert's analysis. As of the date of this filing, the expert has not yet provided the Parties with his class size and composition opinion, however, Plaintiff expects to receive the results by the end of this week.

5. Several key fact depositions will, by necessity, include detailed questioning regarding the expert's class composition information. Because that information has not yet been provided, the depositions have yet to be conducted, and written discovery based on the information has yet to be served.

6. The current deadline to complete fact depositions is May 11, 2024, and the current discovery deadline is May 24, 2024. Due to the delays regarding the AZDPS data and the expert's class size and composition information, the existing deadlines are problematic for the Parties to be able to adequately conduct discovery and prepare their cases.

7. A forty-five (45) day extension of discovery and pre-trial deadlines should allow the Parties to adequately conduct this necessary discovery and prepare their cases.

8. The Parties therefore respectfully request that the Court extend discovery and pre-trial deadlines in this case by forty-five (45) days, which will result in the following revised deadlines:

	Current Deadline	Extended Deadline
Complete Fact Depositions	May 17, 2024	July 1, 2024
Discovery Deadline	May 24, 2024	July 8, 2024
Meeting in Person and Engage in Good Faith Settlement	May 24, 2024	July 8, 2024
File Joint Report on Settlement	May 31, 2024	July 15, 2025
Plaintiff's Expert Disclosures	June 7, 2024	July 22, 2024

Defendant's Expert Disclosures	June 28, 2024	August 12, 2024
Rebuttal Expert Disclosures	July 12, 2024	August 26, 2024
Last Date on which Expert Depositions may Commence	July 19, 2024	September 2, 2024
Complete Expert Depositions	July 26, 2024	September 9, 2024
Motions for Conditional Certification	August 2, 2024	September 16, 2024
File Dispositive Motions	September 20, 2024	November 4, 2024

9. For the convenience of the Court, a Proposed Order is attached as Exhibit "A."

Respectfully submitted this 17th day of April, 2024

By: /s/ Taylor T. Smith

By: /s/ Henry R. Chalmers

Penny L. Koepke
MAXWELL & MORGAN, P.C.
4854 E. Baseline Rd., Suite 104
Mesa, AZ 85206
pkoepke@hoalaw.biz

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henry.chalmers@agg.com
edward.cadagin@agg.com
natalie.cascario@agg.com
(404) 873-8646

Steven L. Woodrow (*pro hac vice*)
swoodrow@woodrowpeluso.com
Patrick H. Peluso (*pro hac vice*)
ppeluso@woodrowpeluso.com
Taylor T. Smith (*pro hac vice*)
tsmith@woodrowpeluso.com
WOODROW & PELUSO, LLC
3900 E. Mexico Ave., Suite 300
Denver, CO 80210
Telephone: (720) 213-0675

Mandi J. Karvis/Bar No. 021858
Bar No. 021858
WICKER SMITH O'HARA MCCOY &
FORD, P.A.
One N. Central Ave., Suite 860
Phoenix, AZ 85004
mkarvis@wickersmith.com
(602) 648-2240

Attorneys for Plaintiff and the Putative Class

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2024, a true and correct copy of the above papers was served upon counsel of record by filing such papers via the Court's CM/ECF system.

/s/ Henry R. Chalmers